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SENATORS INTRODUCE RESOLUTION TO NULLIFY AUGUST 17 CHIP DIRECTIVE UNDER CONGRESSIONAL REVIEW ACT

**~Congressional Action Would Stop Misguided Policy
That Makes It Harder for States to Provide Health Insurance to More Children~**

Washington, D.C. – Senators John D (Jay) Rockefeller IV (D-WV) and Max Baucus (D-Mont.), today took the first formal step to halt the implementation of a Department of Health and Human Services policy that would impose new barriers on States that prevent them from helping working families secure affordable health coverage for their uninsured children during the current economic downturn.

The Senators authored the joint resolution of the Congress that would nullify the so-called “August 17 Directive” through the Congressional Review Act. It has been sponsored by 41 Senators, (Complete list below).

“What’s at stake here is health care coverage for millions of children. The Bush Administration wasn’t playing by the rules when they issued the August 17 Directive. They issued an illegal regulation and violated the spirit of the Children’s Health Insurance Program,” Rockefeller said. “If we don’t stop this latest attack on CHIP, more and more states will be forced to turn needs families away – and our children will suffer.”

“This drastic policy jeopardizes coverage for tens of thousands of children in low-income, working families. This resolution is a way to tell low-income American families that they matter and that Congress is willing to fight for them. I know my home state of Montana is trying to expand its eligibility for CHIP, and I will do everything I can to make sure that more children in low-income families get the doctors’ visits and medicines they need to stay healthy,” said Baucus. “Congress should disapprove of this rule not only because it goes too far in blocking health care to American children in need, but also because it was issued in a way that is inconsistent with the law.”

“In this tough economy, the last thing we should do is make it tougher for children to see a doctor or get the medicine they need. That’s why it’s critical we fight President’s Bush’s flawed policy so we can protect the health care our children need,” Senator Lautenberg said. “If the President won’t protect children’s health care in New Jersey and across the nation, then we will.”

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“Where is President Bush’s moral compass as he stands by his cold hearted policy to deny health coverage for children who fall in the gap between Medicaid and expensive private insurance?” asked Sen. Menendez. “We will not be silent while this Administration jeopardizes the coverage of hundreds of thousands of children across the country. If we pass this resolution, we will nullify a policy that has violated federal law and that is ultimately at odds with the American values we hold dear. We should be ensuring that more—not fewer—children have the health coverage they need. I commend Senator Rockefeller for his tireless work on this issue, and I am ready to stand with him to protect American children.”

The resolution is also a way for Congress to send the message that it expects agencies to comply with the law.

In April of this year, the non-partisan Government Accountability Office (GAO) issued a report stating that the “directive” is in fact a rule for purposes of the Congressional Review Act and, therefore, in violation of the statutory requirements for Congressional notice and review. Almost immediately, the Administration reissued the guidance, but still failed to notify Congress and the Comptroller General as they’re required to do under the Congressional Review Act. Without intervening Congressional action, the “directive” will go into effect next month.

The August 17 CHIP directive to state health officials, released by CMS, effectively mandates that any state trying to enroll children in CHIP from families earning more than 250% of the federal poverty level, or \$44,000 for a family of three in 2008, has to first prove that it covered 95% of children in families earning less than 200% of the federal poverty level (\$35,200 for a family of three in 2008).

The directive was issued during the height of last year’s CHIP reauthorization debate in an attempt to suppress states’ efforts to cover additional low-income children. When it became clear that there was an overwhelming bipartisan majority in Congress that would not support the administration’s position, they issued the guidance to the states.

Along with Senators Baucus and Rockefeller the resolution was cosponsored by: Olympia Snowe (R-ME); Pete Domenici (R-NM); Frank Lautenberg (D-NJ); Robert Menendez (D-NJ); Edward Kennedy (D-MA); Elizabeth Dole (R-NC); Charles Schumer (D-NY); Barbara Mikulski (D-MD); Jeff Bingaman (D-NM); Gordon Smith (R-OR); Maria Cantwell (D-WA); Sheldon Whitehouse (D-RI); Claire McCaskill (D-MO); John Kerry (D-MA); Tom Harkin (D-IA); Sherrod Brown (D-OH); Benjamin Cardin (D-MD); Patty Murray (D-WA); Daniel Akaka (D-HI); Richard Durbin (D-IL); Robert Casey (D-PA); Bernard Sanders (I-VT); Christopher Dodd (D-CT); Mary Landrieu (D-LA); Hillary Clinton (D-NY); Jack Reed (D-RI); Blanche Lincoln (D-AR); Daniel Inouye (D-HI); Barack Obama (D-IL); Herb Kohl (D-WI); Patrick Leahy (D-VT); Ron Wyden (D-OR); Barbara Boxer (D-CA); Joseph Biden (D-DE); Carl Levin (D-MI); Debbie Stabenow (D-MI); Ken Salazar (D-CO); John Sununu (R-NH); Robert Byrd (D-WV); Amy Klobuchar (D-MN).

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